



# Alston & Bird LLP

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November 30, 2004

Certificate of Correction Branch  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate**  
**DEC 07 2004**  
**of Correction**

Re: United States Patent for *Methods for the Synthesis of a Modified Hemoglobin Solution*  
Application No. 09/930,905; Filed August 16, 2001  
Patent No. 6,747,132 B2; Issued June 8, 2004  
Our File 035780/238028

Sir:

It is respectfully requested that a Reconsideration Certificate of Correction be issued for the above-identified patent, in accordance with 37 C.F.R. §1.322. This request is made in order to correct the mistakes incurred through the fault of the United States Patent and Trademark Office ("USPTO"). The original Certificate of Correction filed July 8, 2004, was partially denied in a communication from the USPTO dated November 23, 2004. Specifically, the request for correction of an omitted patent that was cited by the Examiner in an office action dated March 5, 2003, was denied. Supporting documents are enclosed that clearly show that U.S. Patent No. 6,054,427 was cited by the Examiner and should therefore be listed on the face of the patent. The applicant is not in error.

The mistakes appearing in the patent are set forth on the Reconsideration Certificate of Correction enclosed herewith, with an additional copy thereof and a postal card being enclosed in accordance with the present USPTO practice.

Respectfully submitted,

Kelly J. Williamson  
Registration No. 47,179

KJW/wlw  
Enclosures



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

COPY *K SW*

O.I.P.E.  
DEC 02 2004  
PATENT & TRADEMARK

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,905	08/16/2001	Christopher Thomas Privalle	35780/238028 (5780-4)	1628

826 7590 03/05/2003

ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

**Alston & Bird**

MAR 10 2003

Received By *[Signature]*

EXAMINER

RUSSEL, JEFFREY E

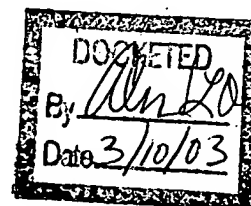
ART UNIT PAPER NUMBER

1654

DATE MAILED: 03/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

ALSTON & BIRD  
RTA  
RECEIVED  
3/11/03 *ws*



# Office Action Summary

Application No.

09/930,905

Applicant(s)

PRIVALLE ET AL

COPY

Examiner

Jeffrey E. Russel

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

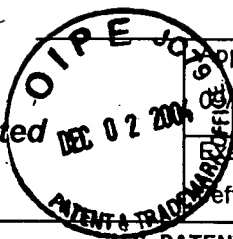
## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

# Notice of References Cited



Application/Control No.

09/930,905

Examiner

Jeffrey E. Russel

Applicant's/Patent Under  
Reexamination  
PRIVALLE ET AL

Art Unit

1654

Page 1 of 1

## U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,054,427	04-2000	Winslow	514/6
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

## FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

## NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

*JSR*  
3-7-2005

UNITED STATES PATENT AND TRADEMARK OFFICE  
**CERTIFICATE OF CORRECTION**

PATENT NO. : 6,747,132 B2

DATED : June 8, 2004

INVENTOR(S) : Privalle et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page,

Item (56), References Cited, U.S. PATENT DOCUMENTS,

Add --6,054,427 A 4/2000 Winslow 514/6--.

Column 22,

Line 48 in claim 13, "polyoxyetheylene" should read --polyoxyethylene--;

Line 50 in claim 14, "polyoxyotheyleno" should read --polyoxyethylene--;

Line 61 in claim 18, "loss" should read --less--.

MAILING ADDRESS OF SENDER:

ALSTON & BIRD LLP  
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101 South Tryon Street, Suite 4000  
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Tel Raleigh Office (919) 862-2200

PATENT NO. 6,747,132 B2

No. of add'l. copies  
@ 30¢ per page



FORM PTO 1050 (REV. 3-82)

UNITED STATES PATENT AND TRADEMARK OFFICE  
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Tel Raleigh Office (919) 862-2200

PATENT NO. 6,747,132 B2

No. of add'l. copies  
@ 30¢ per page



TO: MM On (note date): 12/07/04, Pat. No. 6747132

Team Leaders Initials  
INFO SUPPLIED BY: TFS  
OAC/LDRC Initials

**SECOND REQUEST (DIFFERENT CORRECITONS), SUPERSEDE OR RECONSIDERATION**  
(OAC OR LDRC, USE A RED PEN FOR COMPLETING INFO, ON THIS COVER SHEET) (11/2002 cbn)

Team Leader, an Office Automation Clerk may assist you by supplying data from CofC Database (Current & History), PALM, and copies from Intranet, to determine type of request (second request, supersede, and/or reconsideration) and to determine if there were any errors made in decisions and/or publishing are attributable. Team Leader, check appropriate boxes below, key record (if necessary) and forward to JCWS, to order file and assign file to an LIE, to EXPEDITE.

Team Leader, DO NOT ORDER FILE.

MRD (for request attached to this cover sheet): 12/02/2004 (Team Leader have LDRC, stamp same MRD on 1050s.)

File Charged to (in PALM): \_\_\_\_\_ Date Charged to Loc.: 1 / 1 / \_\_\_\_\_

Information re most recent record in CofC database (Check Current & History)

MRD: 7 / 15 / 12004 Examiner (LIE's initials): SP

Date Assigned: 11 / 22 / 12004 Turned In: 11 / 23 / 12004

CofC Issued: 1 / 1 / \_\_\_\_\_ CofC Denied: 1 / 1 / \_\_\_\_\_ Updated: Y / N Date: 1 / 1 / \_\_\_\_\_

Patent number listed on C of C listing in OG ((circle one) Y / N

CofC Issued for this record is attached to patent on Internet ((circle one) Y / N

New/different correction(s) requested. Check Intranet or with RTIS. ((circle one) Y / N

☐ Duplicate (same heading and corrections published/issued CofC on Intranet. ((circle one) Y / N

☐ Substitute or corrected request. Locate the original request (check with JCWS and RTIS).

☒ Second Request (another) requesting new/different corrections or additional corrections. **TEAM LEADER, DO NOT ORDER FILE.** If necessary, call attorney/applicant for assistance in determining if new/different corrections. Team Leader, key new a record on: 1 / 1 / 1. Place and count with

CofCs keyed, same week, determine and note in to upper right hand corner if "P", "R", or "RTC".

Mark through any corrections on 1050, that were appropriately published; or JCWS assign to: \_\_\_\_\_

☒ Reconsideration ☐ Supersede ☐ Special CofC ☐ Erratum ☐ Expedite CofC

Team Leader, determine if a Request for a Corrected CofC (Supersede) or Reconsideration, due to error in decisions or keying, attributable to (check the appropriate box, below):

☐ RTIS  
Keying Error

☐ LIE: \_\_\_\_\_  
LIE Processing or  
Decision Error

☐ OFFICE  
Error in Entry of Document  
or Ex. Decision

☐ ATTY.  
1,323 Consideration  
or Petition Required

If errors are attributable to LIE, use guidelines for appropriately notifying the LIE and recording errors (make copies supporting that the LIE made error, attach copies to this cover sheet, keeping copies for your records, and forward copies to CBN, at the end of each month).

☐ JW or OL, locate request for CofC published on: 1 / 1 / 1 and return to: \_\_\_\_\_  
(Circle OAC Initials)

☐ Team Leader keyed record on on: \_\_\_\_\_ ☐ Post card Printed by Tasneem  
(Team Leaders, give all second requests to Tasneem, to print a post card.)

☐ JCWS, order file and assign or reassign to LIE/to: \_\_\_\_\_ / LIE, see your Team Leader for assistance.

Comments/ Instructions: \_\_\_\_\_

☐ SEE REVERSE SIDE, FOR ADDITIONAL COMMENTS/INSTRUCTIONS

(Revised 12/15/2003 cbn) #4